THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27191 OF 2005

DATED:2.1.2006

Between:

Chandrakanth and another

…Petitioners

And

The District Collector, Medak at Sangareddy and

others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27191 OF 2005

ORDER:

The two petitioners claim to be the joint owners of land admeasuring Ac.17.05 gts. in S.No.10 of Jeerlapally Village, Jharasangam Mandal, Medak District. After partitioning the property they obtained pattadar pass books in respect of their shares. They alleged that without initiating any proceedings under the Land Acquisition Act, 1894 (for short, the Act), second respondent issued notice under Sections 9(3) and 10 of the Act directing the petitioners to appear in the enquiry. The petitioners assert that no notification under Section 4(1), and no declaration under Section 6 were issued and therefore conducting award enquiry is illegal and arbitrary.

At the stage of admission itself, learned Assistant Government Pleader for

Revenue (Land Acquisition) on instructions submits that the petitioners gave consent for acquisition of their lands. Accordingly, necessary steps were taken and award was passed on 19.12.2005 awarding a sum of Rs.1,22,000/- (Rupees one lakh and twenty-two thousand only). He also submits that a notice of award was already issued on 19.12.2005 itself requiring the petitioners to appear before the second respondent for receiving the amount. In view of the submission, the matter was adjourned on 30.12.2005 to enable the petitioners to receive the payment. Today, when the matter is called, learned Assistant Government Pleader submits that the second petitioner has already appeared and obtained payment of Rs.61,000/- (Rupees sixty one thousand only) towards his share, and that the first petitioner has not taken payment. In view of this, instead of keeping the Writ Petition pending, liberty is given to the first petitioner to appear before the second respondent and take payment. Insofar as the contention that the award enquiry was sought to be conducted without issuing notification under Section 4(1) and declaration under Section 6 of the Act, the Writ Petition is liable to be dismissed.

The Writ Petition is accordingly dismissed.

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2.1.2006 (V.V.S.RAO, J)

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